

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-11 are pending in the present application. Claims 1-2, 4, 10 and 11 stand rejected. Claims 5-9 are allowed. Claim 3 was objected to as being dependent upon a rejected base claim, but was indicated allowable if rewritten in independent form.

Claim 3 has been rewritten in independent form to substantially include all of the elements recited in claim 1. Claim 3 should now be in condition for allowance because it is rewritten in independent form and includes the allowable features indicated in Item 7 of the Office Action.

Claim Rejections – 35 U.S.C. §102

Claims 1-2 and 10-11 were rejected under 35 U.S.C. §102(b) as being anticipated by **Yamazaki et al.** (USP 6,038,018). For the reasons set forth in detail below, this rejection, to the extent that it is considered to apply to the amended claims, is respectfully traversed.

Independent claim 1 has been amended to clarify that the deflector is controlled to deflect the plurality of secondary electron beams to prevent the plurality of secondary electron beams from moving on the deflector in response to the scanning of the plurality of primary electron beams.

It is respectfully submitted that **Yamazaki et al.** does not disclose or suggest a primary beam that conducts scanning. Further, it is respectfully submitted that the deflector 46 of **Yamazaki et al.** is not controlled to prevent a plurality of secondary electron beams from

moving on the deflector in response to the scanning of the plurality of primary electron beams, as recited in claim 1.

Moreover, it is respectfully submitted that the features presently recited in amended claims 10 and 11 are not disclosed or suggested by the **Yamazaki et al.** reference.

Accordingly, it is submitted that independent claims 1, 10 and 11, and claim 2 which depends from claim 1, patentably distinguish over the **Yamazaki et al.** reference. Reconsideration and withdrawal of the rejection under §102 are respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamazaki et al.** in view of **Nakasuji** (USP 5,892,224).

In rejecting claim 4, **Nakasuji** was combined with **Yamazaki et al.** to teach the feature of a plate, as recited in claim 4. However, it is submitted that **Nakasuji** does not alleviate the deficiencies of **Yamazaki et al.** discussed above with respect to claim 1. Therefore, the combination of **Yamazaki et al.** and **Nakasuji** does not result in the invention recited in claim 4.

Accordingly, it is respectfully submitted that claim 4 patentably distinguishes over the combination of **Yamazaki et al.** and **Nakasuji**. Reconsideration and withdrawal of the rejection of claim 4 under §103 are respectfully requested.

CONCLUSION

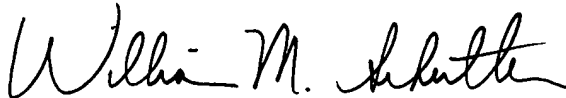
In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "William M. Schertler". The signature is fluid and cursive, with the first name "William" and last name "Schertler" being clearly legible.

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